TAXATION — REMEDIES FOR WRONGFUL TAXATION — INTERPLEADER. — The executors of a will were taxed on the estate in Boston, as executors, and in three other municipalities, as trustees. They filed a bill in equity, making the four municipalities defendants and seeking to compel them to interplead and determine the validity of the several assessments. *Held*, that the bill does not lie. *Welch* v. *City of Boston*, 94 N. E. 271 (Mass.). See NOTES, p. 174.

TORTS — ERECTION OF SPITE FENCE TO INTIMIDATE LITIGANT. — The defendant, who had been temporarily enjoined at the suit of a neighbor from keeping dogs on his land, threatened to erect a twenty-foot fence on the plaintiff's line unless she desisted from prosecuting the suit. The plaintiff persisted and the fence was erected. Having failed to remove the dogs, the defendant was fined for contempt. *Held*, that an amended petition for the removal of the fence should be granted. *Wilson* v. *Irwin*, 138 S. W. 373 (Ky.).

The order requiring the removal of the fence is obviously not a means of bringing pressure to bear on the defendant to perform the first decree. Moreover, it can scarcely be contended that it constitutes punishment for the criminal contempt of court involved in the attempted intimidation of the plaintiff, since such punishment has been limited to fine and imprisonment. See OSWALD, CONTEMPT OF COURT, ch. XIII. The only ground, therefore, on which the decision can be supported is that the malicious erection of the fence was a violation of a right of the plaintiff for which the redress to be obtained in a suit at law was inadequate. In many jurisdictions such a right is recognized. *Bayer* v. *Barrington*, 151 N. C. 433, 66 S. E. 439. *Contra*, *Russel* v. *State*, 32 Ind. App. 243, 69 N. E. 482. *Cf. Burke* v. *Smith*, 69 Mich. 380, 37 N. W. 838. The absence of any doubt in the present case that injury to the plaintiff was the sole motive inducing the erection of the fence negatives one of the strongest grounds on which relief has been denied to the plaintiff in the cases denying the right. Indeed, in a previous case involving similar facts this very court held that no action lay. *Saddler* v. *Alexander*, 21 Ky. L. Rep. 1835, 56 S. W. 518.

VESTED, CONTINGENT, AND FUTURE INTERESTS — LIABILITY OF FUTURE INTERESTS IN PERSONALTY FOR OWNER'S DEBTS. — Personal property was bequeathed to trustees for the use of the testator's wife during her natural life, and after her death to be divided between the testator's son and daughter, if they should survive his wife and attain the age of twenty-five years. A creditors' suit was instituted in the lifetime of the widow and before the children had reached twenty-five, to compel the sale of the son's interest to satisfy a judgment against him. *Held*, that the plaintiff is entitled to this relief. *National Park Bank* v. *Billings*, 144 N. Y. App. Div. 536, 129 N. Y. Supp. 846. See NOTES, p. 171.

WITNESSES — FEES — WHAT IS ATTENDANCE UPON COURT. — The plaintiff was summoned to testify before a police court, and, being unable, since he was a stranger in the town, to furnish security for his appearance at the next term of court, was detained in jail. *Held*, that he can recover fees for the period of detention. *Kirke* v. *Strafford County*, 80 Atl. 1046 (N. H.).

Statutes compensating witnesses for their services uniformly fix *per diem* fees for attendance upon court. PUB. STAT. AND SESS. LAWS OF N. H., 1901, c. 287, § 13; CODE OF IA., 1897, § 4661; 1 PUB. GEN. LAWS OF MD., 1904, Art. 35, § 11. The conflict of authority in the case of a witness imprisoned for failure to obtain security is therefore only explicable as a difference in construction of the term "attendance." Some courts construe it strictly to mean attendance upon the court when in session, and deny recovery for the period of detention. *Marshall County* v. *Tidmore*, 74 Miss. 317, 21 So. 51; *State ex rel. Sawyer* v. *Greene*,